

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WILLIAM R. DIXON,

Petitioner, : Case No. 3:11-cv-150

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

WARDEN, Southern Ohio  
Correctional Facility,

:  
Respondent.

---

**REPORT AND RECOMMENDATIONS**

---

This habeas corpus case, brought *pro se* by Petitioner William Dixon under 28 U.S.C. § 2254, is before the Court on Petitioner's Motion for Summary Judgment (ECF No. 54). Petitioner seeks a reduction in his sentence under Fed. R. Crim. P. 35(b).

The Federal Rules of Criminal Procedure do not apply to state criminal convictions. They do not authorize this Court to reduce a state court's sentence. A motion for reduction of sentence under Rule 35(b) can, in any event, only be made by the United States Attorney.

Accordingly, Petitioner's Motion for Summary Judgment should be denied.

January 21, 2025.

s/ *Michael R. Merz*  
United States Magistrate Judge

## **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #